

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 558 final
Brussels, 8 October 1981

Proposal for a
COUNCIL DECISION

on the consolidation of precautionary measures
concerning chlorofluorocarbons in the environment

(submitted to the Council by the Commission)

COM(81) 558 final

EXPLANATORY MEMORANDUM

The emission of chlorofluorocarbons (CFCs) into the atmosphere is a potential source of disturbance to the atmosphere's equilibrium. The disturbance of the ozone layer and the effects on man and environment it can engender, are cause for concern at international level, both among public authorities and in the economic circles involved.

Community policy in this area has so far been to seek a balance between the need to undertake preventive action in order to avoid the deleterious effects predicted by mathematical models and the impact on industry and employment of reducing the use of CFCs.

The concern of the Community led first of all to Council Resolution of 30 May 1978 (1) concerning the limitation of the production capacity of CFCs 11 and 12, the intensification of research into alternative products and alternative methods of application, and the elimination of discharge in all sectors.

Council Decision of 26 March 1980 (2) stipulated that the production capacity of CFCs 11 and 12 should not be increased in any Member State and that by 31 December 1981 there should be a reduction of at least 30 % compared with 1976 levels of the use of the CFCs in aerosols.

(1) OJ C 133, 7.6.1978

(2) Decision 80/372/EEC - OJ L 90, 3.4.1980

Article 2 of that Decision provided for a re-examination during the first half of 1980 of the scientific and economic data available. To this end, the Commission forwarded a communication to the Council (3) on 16 June 1980.

On 26 May 1981 the Commission sent to the Council a second Communication (4) concerning chlorofluorocarbons in the environment, containing information and basis for evaluation for the pursuit of Community policy.

That Communication reviewed the available scientific and economic data and concluded that the measures to be taken at Community level with regard to CFCs should be as follows:

- a) Maintenance and consolidation of precautionary measures adopted on 26 March 1980.
- b) Improvement in the collection of scientific, technical and economic data as a basis for a periodic review of Community policy.
- c) Engagement in projects, especially with the industry concerned, designed to decrease CFC emission in the sectors other than the filling of aerosol containers.
- d) Proposal of, and support for, suitable measures at international level.

The Ministers of the Environment meeting in the Council on 11 June 1981 debated and took note of this Communication and acknowledged the Commission's intention

- to establish suitable procedures and mechanisms for an exchange of scientific, technical, socioeconomic and statistical information, and

(3) COM(80) 339, 16.6.1980

(4) COM(81) 261, 26.5.1981

- to undertake action in the sectors of foam plastics, refrigeration and solvents designed to reduce the emission of CFCs,

and recommended close collaboration between the Member States and the Commission on these points.

In addition, the Council instructed the Commission to submit at the earliest a proposal for a Council Decision on preventive and precautionary measures to be applied by the Member States after 31 December 1981, which should include:

- the reaffirmation of the zero growth of production capacity of CFC 11 and 12 on the basis of a precise definition,
- the consolidation of the reduction already achieved in the use of CFC 11 and 12 in the filling of aerosols,
- the possibility to proceed with a greater reduction in the aerosol sector,
- the preparation of measures for the reduction of CFC emissions in the sectors other than aerosols.

Finally, the Council invited the Commission to submit a proposal for a Council Decision for authorising the Commission to participate on behalf of the Community in the negotiations for a global framework Convention on the protection of the ozone layer. The present draft Decision does not include such a provision, since this will be the subject of a separate proposal to the Council.

Contents of the draft Council Decision

Article 1

With this article the provisions of the Council Decision 80/372/EEC are maintained: the zero growth of the production capacity of CFC 11 and 12 will now be applied on the basis of a precise and harmonized definition. A definite Community reference figure is given in the Annex.

Article 2

This article intends to maintain and consolidate the precautionary measures in the use of CFC 11 and 12 in the filling of aerosol cans, and it requires that there will be no increase beyond the 1981 levels of use.

These levels are stipulated to be at least 30 % lower than the 1976 levels of use. That was the minimum reduction provisioned by the Council Decision of 26 March 1980 to be achieved by the end of 1981. At this time it is expected that the reduction achieved by the end of 1981 by the Community as a whole will exceed this minimum.

Article 3

The aim of paragraph 1 of this article is to facilitate the periodic review of Community policy through the periodical collection of statistical data by the Commission.

Paragraph 2 provides for an action program for the reduction of emissions in the sectors of foam plastics, refrigeration and solvents. The study of recent data indicates that the use of CFCs is increasing rapidly in these sectors.

Article 4

This article provides for the review of the situation in the second half of 1983 by taking into account the newly available scientific and economic data, so that the Council may act by 30 June 1984, if necessary.

Consultations

Given that this proposition is based on Article 235 of the EEC Treaty the European Parliament must be consulted. The consultation of the Economic and Social Committee is suitable.

PROPOSAL FOR A COUNCIL DECISION

on the consolidation of precautionary measures
concerning chlorofluorocarbons in the environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Decision 80/372/EEC of 26 March 1980 concerning chlorofluorocarbons in the environment (1) provided for zero growth in production capacity and a reduction in the use of aerosols containing chlorofluorocarbons CFC 11 and CFC 12; whereas that Decision provided ^{for} a re-examination of the measures taken in the light of all the available scientific and economic data;

Whereas that re-examination has shown that it is necessary for the Community to continue to pursue a preventive policy; whereas the precautionary measures already taken need to be maintained and consolidated;

(1) OJ L 90, 3.4.1980, p. 45

Whereas the provisions laid down in Article 1 (1) of Decision 80/372/EEC should be applied on the basis of a precise and harmonized definition of production capacity; whereas on the basis of that definition the 1980 total production capacity has been compiled for the Community as a whole;

Whereas reductions in the use of CFCs in aerosols within Member States beyond the minimum required by Decision 80/372/EEC are expected to be achieved; whereas, as a consolidation of precautionary measures it is appropriate not to increase the use of CFC 11 and CFC 12 in aerosols beyond the actual 1981 levels;

Whereas in order to establish a basis for periodic reviews of Community policy the Commission should collect and collate appropriate statistical information on the production and use of CFCs;

Whereas as a precautionary measure the emissions of CFCs in the sectors of foam plastics, refrigeration and solvents should be limited; whereas to this end appropriate action should be undertaken;

Whereas during the second half of 1983 the measures to be taken should be re-examined in the light of the scientific and economic data available and such further measures as may prove necessary in the light of this re-examination should be adopted as soon as possible and in any event not later than 30 June 1984;

Whereas, since the specific powers of action required to adopt this Decision have not been provided for in the Treaty, it is necessary to invoke Article 235 thereof,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall take all appropriate measures to ensure that the provisions laid down in Article 1 (1) of Decision 80/372/EEC are applied on the basis of the definition of the production capacity and the reference figure given in the Annex.

Article 2

Without prejudice to Article 1 (2) of Decision 80/372/EEC, Member States shall take all appropriate measures to ensure that industries situated in their territories do not increase, after 31 December 1981, the use of chlorofluorocarbons CFC 11 (CCl_3F) and CFC 12 (CCl_2F_2) in the filling of aerosol cans in comparison with the total use for that purpose in 1981. This reference level shall be at least 30% below the 1976 level.

Article 3

1. Member States shall take all appropriate measures to facilitate the periodic collection by the Commission of the appropriate statistical information on the production and use of CFCs.
2. Member States shall cooperate with the Commission in actions aimed to reduce CFC losses and to develop the best practicable technologies to limit emissions in the sectors of foam plastics, refrigeration and solvents.

Article 4

In the course of the second half of 1983, the measures taken in pursuance of Decision 80/372/EEC and this Decision shall be re-examined in the light of the scientific and economic data available. To this end, Member States shall, subject to considerations of commercial confidentiality, provide the Commission with the results of any study or research available to them. The Council shall adopt, as soon as possible and in any event no later than 30 June 1984, on a proposal from the Commission, such further measures as may be necessary in the light of this re-examination.

Article 5

This Decision is addressed to the Member States.

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ANNEX

DEFINITION OF PRODUCTION CAPACITY AND REFERENCE FIGURE
FOR CFC 11 AND CFC 12

1. Production capacity is defined as full capacity in 24 hours continuous service, multiplied by the average number of days per year the plants are able to run under normal conditions of maintenance and safe operability. It is expressed in tons per year.

2. The reference figure for the total Community production capacity, including all ten Community producers, is 480,000 tons per year based on a weighted mean of 332 working days per year. This includes all lines producing CFC 11 and CFC 12 on the 26 March 1980 either exclusively or on a campaign basis.